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09/842,084	04/26/2001	Satoshi Ejima	032436.01	9829

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EXAMINER

VENT, JAMIE J

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,084	EJIMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 March 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/26/2001.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6, 12, 16-18, 21, 24, 28-30, 38, 42, and 43 are rejected under 35 U.S.C. 102(b) as being unpatentable by Utsumi et al (US 5,574,569).

#### **[claim, 1, 28, & 42]**

In regard to Claims 1, 28, and 42, Utsumi et al discloses an information processing apparatus that

reproduces information stored as recording units, each recording unit including at least one of image information, memo information and sound information, the information processing apparatus comprising:

- storage means for storing the recording units (Figure 5 optical disc 40 as further described in Column 6 Lines 58+);
- recording unit selection means for selecting at least one recording unit from among the recording units stored in the storage means (Figure 5 control device 45 for controlling the selection of the main image signal or the sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53);

- reproduction order setting means for setting a reproduction order of a plurality of the recording units selected by the recording unit selection means (Figure 5 shows the setting means for the reproduction order of a plurality of recording units);
- reproduction time setting means for setting a reproduction time for each of the recording time for each of the recording units set by the reproduction order setting means (Figure 5 shows a control device 45 wherein reproduction order and time setting means are selected by the recording unit as further described in Column 7 Lines 5 to Column 8 Line 63);
- reading means for reading the recording units from the storage means based on the order set by the reproduction setting means (Column 7 Lines 64 to Column 8 Line 39 describes the reading means of the recording unit);
- reproduction means for reproducing information contained in each recording unit read by the reading means in accordance with the reproduction time set by the reproduction time setting means (Figure 5 shows the reproduction means for reproducing information in each recording unit).

**[claim 2]**

In regard to Claim 2, Utsumi et al discloses the information processing apparatus further comprising an information selection means for selecting the information to be

reproduced from all the information contained in each recording unit selected by the recording unit selection means; and wherein the reproduction means selects only information selected by the information selection means from among all the information contained in each selected recording unit (Figure 5 control device 45 for controlling the selection of the main image signal or the sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53).

**[claim 3]**

In regard to Claim 3, Utsumi et al discloses the information processing apparatus wherein the reproduction time setting means sets the reproduction time of each recording unit based on the type of information to be reproduced from the recording unit (Figure 5 shows the control device 45 which sets the reproduction time of the main image signal different from the reproduction time of the sub-image signal; as further described in Column 7 Lines 10-53).

**[claim 6]**

In regard to Claim 6, Utsumi et al discloses an information processing apparatus further comprising changing means for changing the reproduction time set by the reproduction time setting means (Column 7 Lines 54 through Column 8 Lines 63 describes the information processing apparatus that changes the reproduction time set by the reproduction means).

**[claims 12, 38, & 43]**

In regard to Claims 12, 38, 43 Utsumi et al discloses an information processing apparatus that reproduces information stored as recording units, each recording unit

including at least one of image information, memo information and sound information, said information processing apparatus comprising:

- generation means for generating a reproduction group including at least one recording unit (Figure 5 shows the generating of the reproduction group wherein the image signal is read as one group and the sub-image signal is read as another group);
- setting means for setting a reproduction order of each recording unit contained in the reproduction group and designation means for designating a desired reproduction group (Column 3 Lines 25-67 describes the setting means for setting reproduction order of the recording unit);
- reproduction means for reproducing each recording unit contained in the reproduction group designated by the designation means, the reproduction means reproducing each recording unit based on the reproduction order set by the setting means (Figure 5 shows the reproduction means for reproducing information in each recording unit); and
- prohibition means for prohibiting reproduction of recording units that are not contained in the reproduction group designated by the designation means (Figure 5 shows the reproduction means which prohibits the reproduction of recording units that are not contained in the reproduction group).

**[claim 16]**

In regard to Claim 16, Utsumi et al discloses an information processing apparatus-comprising:

- a memory that stores recording units, each recording unit including at least one of image information, memo information and sound information (Figure 5 optical disc 40 as further described in Column 6 Lines 58+);
- a recording unit selector that selects at least one recording unit from among the recording units stored in the memory (Figure 5 control device 45 for controlling the selection of the main image signal or the sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53);
- a reproduction order setting device that sets a reproduction order of a plurality of the recording units selected by the recording unit selector (Figure 5 shows a control device 45 wherein reproduction order and time setting means are selected by the recording unit as further described in Column 7 Lines 5 to Column 8 Line 63); and
- a controller coupled to the memory, the recording unit selector and to the reproduction order setting device to set a reproduction time for each of the recording units set by the reproduction order setting device, and to control reading of the recording units from the memory based on the order set by the reproduction order setting device and reproduction of the information contained in each recording unit in accordance with the set reproduction

time (Figure 5 shows the controller coupled to a data store wherein the recording unit selector selects the reproduction order)

**[claim 17]**

In regard to Claim 17, Utsumi et al discloses an information processing apparatus further comprising an information selector coupled to the controller to select the information to be reproduced from all the information contained in each recording unit selected by the recording unit selector; and wherein the controller reproduces only information selected by the information selector from among all the information contained in each selected recording unit (Figure 5 control device 45 for controlling the selection of the main image signal or the sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53).

**[claim 18]**

In regard to Claim 18, Utsumi et al discloses an information processing apparatus wherein the controller sets the reproduction time of each recording unit based on the type of information to be reproduced from the recording unit (Figure 5 shows the control device 45 which sets the reproduction time of the main image signal different from the reproduction time of the sub-image signal; as further described in Column 7 Lines 10-53).

**[claim 21]**

In regard to Claim 21, Utsumi et al discloses an information processing apparatus further comprising a changing device coupled to the controller to change the

reproduction time set by the controller (Column 7 Lines 54 through Column 8 Lines 63 describes the information processing apparatus that changes the reproduction time set by the reproduction means).

**[claim 24]**

In regard to Claim 24, Utsumi et al discloses an information processing apparatus that reproduces information stored as recording units, each recording unit including at least one of image information, memo information and sound information, said information processing apparatus comprising:

- a reproduction group generator that generates at least one reproduction group including at least one recording unit (Figure 5 shows the generating of the reproduction group wherein the image signal is read as one group and the sub-image signal is read as another group);
- a setting device that sets a reproduction order of each recording unit contained in the at least one reproduction group (Column 3 Lines 25-67 describes the setting means for setting reproduction order of the recording unit);
- a designator that designates a desired reproduction group (Figure 5 shows the designator means for designating reproducing information in each recording unit); and; and
- a controller coupled to the reproduction group generator, the setting device and to the designator to reproduce each recording unit contained in the reproduction group designated by the designator, the controller

reproducing each recording unit based on the set reproduction order, and prohibiting reproduction of recording units that are not contained in the designated reproduction group (Figure 5 shows the controller coupled to a data store wherein the recording unit selector selects the reproduction order).

**[claim 29]**

In regard to Claim 29, Utsumi et al discloses a method comprising: selecting the information to be reproduced from all the information contained in each selected recording unit; and wherein the reproducing step reproduces only the selected information from among all the information contained in each selected recording unit (Figure 5 control device 45 for controlling the selection of the main image signal or the sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53)..

**[claim 30]**

In regard to Claim 30, Utsumi et al discloses a method wherein the reproduction time setting step includes setting the reproduction time of each recording unit based on the type of information to be reproduced from the recording unit (Figure 5 shows the control device 45 which sets the reproduction time of the main image signal different from the reproduction time of the sub-image signal; as further described in Column 7 Lines 10-53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4-5, 19-20, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Freeman et al (US 5,579,239).

**[claims 4 ,5,19,20,31 and 32]**

In regard to Claims 4, 5,19,20,31 and 32, Utsumi et al discloses the information processing apparatus; however, fails to disclose sound information is included as information to be reproduced in the recording unit selected by the recording unit selection means, the reproduction time setting means sets a value of the reproduction time by adding a predetermined time to the time required to reproduce the sound information, and additionally fails to disclose wherein when sound information is not included as information to be reproduced in the recording unit selected by the recording unit selection mean the reproduction time setting means sets a predetermined time as the reproduction time.

Freeman et al teaches capturing a video and audio signals at one location and transmitting the captured signals to another location over various radio frequencies wherein when a user selects to capture video signal with audio, and since the capture of video signal with audio signals makes the file to large due to the additional frames having to be added to accommodate the audio signal and furthermore making the transmission longer. Freeman further teaches that it is often desirable to transmit video files only without audio in situations where a broadcast station wants to provide such video footage of a situation quickly as further described in Column 5 Lines 39-60.

Thereby making the video signal frames added to audio signal frames, the reproduction time for both the video signal frames and the audio signal frames would be longer than the reproduction time for the video signal frames alone. It would have been obvious to one of ordinary skill in the art, therefore, to add a predetermined amount of additional time value to accommodate the audio signal frames in a situation where both the video signal frames and audio signal frames would be reproduced.

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the information process system, as disclosed by Utsumi et al , and further incorporate the means of processing both video and audio signals, as taught by Freeman, in order to process video signals as well as audio signals. Also, it would have been obvious to apply the same principle of adding a predetermined amount of extra time to accommodate the processing of any added audio signal in a situation where both vide and audio signals would be processed, as taught by Freeman, for example during the process of reproduction, in order to provide enough a total time to process (for example, reproduce) both the video and audio signals. Furthermore, it would have been obvious for the reproduction time setting means of Utsumi et al to add a predetermined amount of reproduction time to accommodate audio signals reproduction in a situation where both the video and audio signals would be reproduced in order to provide enough of total time to reproduce both the video and audio signal. And to not add any additional reproduction time for audio signal in a situation where only the video signal would be reproduced.

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3. Claims 7, 8, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Chao et al (US 5,732,184).

**[claims 8 & 34]**

In regard to Claims 8 and 34, Utsumi et al discloses a image signal transmission apparatus that is used to transmit main images and sub image; however, fails to discloses that the image information includes multiple frames of continuously photographed images, the apparatus further comprising frame selection for selecting at least a predetermined frame to be reproduced from the continuously photographed images. Chao et al teaches a computer-based system for editing video and audio sequences wherein during the editing process desired frames of a video clip (continuously photographed sequences of frames) are selected, by moving a cursor via a mouse for processing the images. Furthermore during the editing process some selected frames are deleted where trimming action is applied as seen in Figure 1 and 4a-4d and disclosed in Column 5 Lines 18 through Column 6 Lines 65. It is seen frame selection means are used to deslect desired frames during video clip processing and thereby providing an advantage of facilitating the video clip processing. Therefore, it wold have been obvious to one of ordinary skill in the art to use the system, disclosed by Utsumi et al, and incorporate the frame selecting means for selecting desired frame/frames from a video sequence which facilitates the processing of video image sequence.

**[claims 7 & 33]**

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In regard to Claims 7 and 33, Utsumi et al discloses an image transmission apparatus for transmitting main and sub-images; however, fails to disclose that the image information includes multiple frames of continuously photographed images. Chao et al teaches a computer based system for editing video and audio sequences comprising video clips, continuously photographed sequence of frames as further described in Column 3 Lines 27-67. Therefore, it would have been obvious to one of ordinary skill in the art to modify Utsumi et al and incorporate video clips as taught by Chao. Thereby providing the process video and clips and increasing the dynamic range of Utsumi. Utsumi and Chao fail to explicitly disclose that reproduction time setting means sets the reproduction time of each frame based on frame rate at the time of shooting. Official notice is taken that it is well known to one of ordinary skill in the art that images are reproduced based on the recording rate in order to reproduce the images in their normal sequences. It, therefore, would have been obvious to reproduce video clips of Utsumi et al and modify with Chao based on frame rate at time of recording. It is noted that the examiner reads frame rate at the time of shooting as frame rate at the time of recording and thereby making it obvious for the reproduction time setting means of Utsumi et al now modified with Chao to set the reproduction time of the frames of video clips based on the frame rate at the time of shooting in order tp reproduce the frames in their normal sequence.

4. Claims 10 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Chao et al (US 5,732,184) in further view of Freeman et al (US 5,579,293).

**[claims 10 & 36]**

In regard to Claims 10 and 36, Utsumi et al and Chao et al fail to disclose wherein when images that are continuously photographed include sound information and there is at least one frame that is not selected by the frame selection means, the reproduction means reproduces a frame which either proceeds or follows the at least one frame which is not selected in place of the frame which is not selected. Freeman et al teaches coapturing a video and audio signals at one location and transmitting the captured signals to another location over various telemetric frequencies comprising bit map files which are video files and remote units. The remote unit is capable of storing and displaying up to eight bit map files. When the ninth file is captured, the software will automatically overwrite the oldest captured data file and display the new file on the control screen as further described in Column 5 Lines 20-34. This principle of dropping excess or replacing lost frames for example helps to improve the fidelity of the reproduced final product by maintaining the complete sequences of the reproduced images. It would have been obvious to further modify Utsumi et al by realizing Utsumi with the means to drop excess or replace lost frames as taught by Freeman, in order to help improve the fidelity of the reproduced final product by maintaining the complete sequence of reproduced images.

5. Claims 9, 11, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Anderson (US 5,812,736).

**[claims 9, 11, 35, & 37]**

In regard to Claims 9, 11, 35, and 37 Utsumi et al and Chao et al fail to disclose wherein the frame selection means selects all the frames of the continuously photographed images when continuously photographed images include sound. Anderson teaches in Figures 1-4 a method for creating slide shows with sound track in real-time using a digital camera wherein the process of a slide show a series of images is accompanied by sound. As shown in Figure 5 there is the audio track which is continuous and image track which his not. The audio is inherently a time-based media which still images are not inherently time based media. The images are shown at predetermined time in the audio time line. It can be seen from Figure 5 that there is the audio track which is continuous and the video track which is reproduced at a predetermined time interval along the audio time line. As shown in Figure 6 when the video frames are to be played back both images and the audio are played in sequence. This way both the audio and the corresponding video frames are played together which provides a more complete slide show. It is further noted although Anderson teaches still images it is officially known that moving pictures constitutes a sequence of still images. Therefore, it would have been obvious to one of ordinary skill to use the system disclosed by Utsumi and modify the system to process continuously photographed picture frames and furthermore select all the frames of the photographed images when

the photographed images includes sound in order to reproduce a more complete audio/video process.

6. Claims 13-15,25-27, & 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Kanda (US 5,930,446).

**[claims 13, 25, 29]**

In regard to Claims 13, 25, and 29, Utsumi fails to disclose the claimed resetting means. Kanda discloses a system for editing a material required to be reported as soon as possible, such as sports and news reports wherein video clips (groups) order can be rearranged (reset) as desired during the editing process as further seen in Column 16 Lines 15-27 and Column 17 Lines 40-55. During the video image processing, it is desirable to be able to rearrange (reset) the order of video clips (video image sequences) since this facilitates the processing of the video clips. It would have been obvious to modify Utsumi et al by realizing Utsumi with the means to rearrange the video image groups, as taught by Kanda, since this facilitates the processing of image signals

**[claims 14, 15, 26, 27, 40 & 41]**

In regard to Claims 14, 15, 26, 27, 40, and 41 the claimed limitations are accommodated in the discussion of Claim 13 above. It is noted the examiner reads dissolution means as a means for removing or changing the original order to the video clips. To reset the order of the video clips, the video clips themselves would have to be dissolved.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Anderson (US 5,812,736).

**[claim 22]**

In regard to Claim 22, Utsumi et al fails to disclose a digital camera. Anderson teaches in Figures 1-4 a method and system for creating a slide show with sound track in real-time using a digital camera comprising digital camera 110 (see figure 1). It would have been obvious to add a digital camera to Utsumi et al as taught by Anderson, in order for Utsumi to produce its own video images.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,574,569) in view of Anderson (US 5,812,736) in further view of Matsumoto et al (US 5,796,428).

**[claim 23]**

In regard to Claim 23, Utsumi et al in view of Anderson teaches the claimed photoelectric converter (lens 220 and image sensor 224 in Figure 2); however, fails to discloses the claimed touch tablet. Matsumoto teaches in Figure 1-4 electronic photography system which can electronically record images on such a memory device as a semiconductor memory or a magnetic disk without using any films comprising a command input part 110 which is used to enter a command to the image storage display unit 102 in Figure 4, which use of a switch or a pen table (touch tablet) as described in Column 8 Lines 10-26. the touch tablet provides an additional means of

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entering a command to the iamge storage/display means. Therefore, it would have been obvious to additionally modify Utsumi by adding a pen input device which would provide an additional means of entering a command to the image storage/display means, as disclosed by Matsumoto et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yamaguchi et al (US 5,436,878);
- Ando (US 5,367,510).

### ***Contact Information***

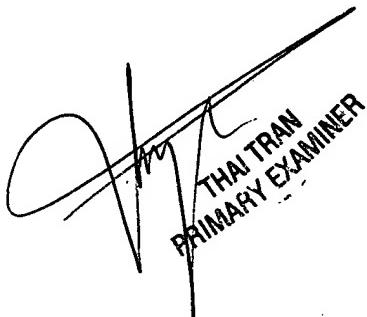
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jamie Vent  
06/14/2005

  
THAI TRAN  
PRIMARY EXAMINER